

CHAPTER NO. 260

HOUSE BILL NO. 1007

By Representatives Fowlkes, Coleman

Substituted for: Senate Bill No. 1767

By Senators Person, Bowers

AN ACT to amend Tennessee Code Annotated, Title 33 and Title 40, relative to forensic services in criminal cases.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 33-7-301, is amended by adding the following new subdivision to subsection (a):

(4) During the post-conviction stage of a criminal proceeding, if it is believed that a defendant is incompetent to assist counsel in preparation for or otherwise participate in the post-conviction proceeding the court may upon its own motion order that the defendant be evaluated on either an outpatient or inpatient basis as may be appropriate. If the defendant is indigent, the amount and payment of the costs for any such evaluation shall be determined and paid for by the administrative office of the courts. If the defendant is not indigent, the cost of the evaluation shall be charged as court costs. If the evaluation cannot be done on an outpatient basis and if it is necessary to hospitalize the defendant in a department facility, such hospitalization shall not be for more than thirty (30) days and shall be subject to the availability of suitable accommodations. Any costs incurred by the administrative office of the courts shall be absorbed within its current appropriation for the indigent defense fund.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.

PASSED: May 16, 2005


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 28th day of May 2005


PHIL BREDESEN, GOVERNOR